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Counsel for Plaintiff and the Proposed Class

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

ADAM JERNOW, on behalf of himself and all others
similarly situated,

Plaintiffs,

vs.

WENDY'S INTERNATIONAL, INC.,

Defendant.

No. 07 Civ. 3971 (LTS) (THK)

CLASS ACTION

SUPPLEMENT TO AMENDED
COMPLAINT FOR DECEPTIVE
SALES PRACTICES; BREACH OF
IMPLIED IN FACT CONTRACT;
UNJUST ENRICHMENT

DEMAND FOR JURY TRIAL

Pursuant to this Court's Order dated November 2, 2007, plaintiff, by his attorneys, submits this Supplement to his Amended Complaint For Deceptive Sales Practices; Breach Of Implied In Fact Contract; Unjust Enrichment, dated June 20, 2007, and alleges as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction over all causes of action asserted herein pursuant to 28 U.S.C. § 1332(d), because the aggregate claims of the Class exceed the sum or value of \$5,000,000.00, and there is diversity of citizenship between plaintiff, who, as alleged below, is a citizen of New York and defendant, which, as alleged below, is a citizen of Ohio.

2. Venue is proper in this District pursuant to 28 U.S.C. § 1391(a)(1) and (2). Substantial acts in furtherance of the alleged improper conduct, including the dissemination of false information regarding trans-fats, occurred within this District. Additionally, there are over twenty Wendy's restaurants in this District.

PARTIES

3. Plaintiff Adam Jernow ("Plaintiff") is a citizen of New York because plaintiff is domiciled in New York County, New York and has no intention of changing his domicile. Plaintiff purchased Wendy's french fries and fried chicken products during the Class Period containing higher levels of trans-fats than represented. Plaintiff suffered injury in that Plaintiff would not have bought the french fries and fried chicken products nor paid a premium for them had the true amount of trans-fats been disclosed.

4. Defendant Wendy's is a citizen of Franklin County, Ohio. It is incorporated in and has its principal place of business in Ohio. Defendant is a restaurant operating and franchising company, with more than 6,300 Wendy's restaurants doing business in the United

States and Canada. In 2006, the most recent year for which Wendy's annual financial information is available to the public, Wendy's reported \$2.4 billion in sales.

JURY TRIAL DEMANDED

Plaintiff hereby demands a trial by jury.

Dated: November 7, 2007
New York, New York

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CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing Supplement to Amended Complaint for Deceptive Sales Practices; Breach of Implied in Fact Contract; Unjust Enrichment to be served on this 8th day of November 2007 by ECF notification to the following:

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